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COMMERCIAL LAW CASES, by Harold L. Perrin and Hugh W. Babb. (New York: George H. Doran Company, 1921, vols. 2, pp. xl, 1046.)

For some years teachers of Commercial Law have been in dire need of a treatment of the subject which is sufficiently comprehensive to cover the fundamental principles, and at the same time accurate and clear enough to secure certainty and a grasp of the subject by college students. This recent work of Perrin and Babb in two volumes goes a long way in meeting this need. It combines the comprehensiveness and accuracy of the scholar and teacher with the practical viewpoint of the practicing lawyer, and states the law with a clarity which is rarely found in books of this kind.

The plan of the treatment is very unique among books on the same subject and it seems to be precisely what is needed at the present time. While the title of the volumes is "Commercial Law Cases", they are really a combination of the text book and case book methods of teaching the subject. As the authors themselves say, they "have attempted to combine the advantages of the text book and case systems, and have attempted further to eliminate some of the disadvantages of each". This is done by setting out the fundamental principles in clear, concise and comprehensive language, followed by several cases illustrative of the principles, and "so summarized and abstracted as to reduce to a minimum the tedious verbiage upon which the student ordinarily wastes time".

As written, the two volumes are supposed to cover two years of study. But they can be readily adjusted to classes which have more limited time. By the omission of many opinions or cases on minor principles the books can be used for courses which comprise only one year or less of study. This quality of being able to be adjusted to the various and varying needs of teachers can be said to be one of the most valuable features of the work, and should commend the volumes for wide use by teachers of Commercial Law, whether in business schools, colleges or universities.

The primary aim of any course in Commercial Law, adapted to the needs of students, should never be the inculcation of those technical principles, minute variations and subtle distinctions, which only the trained mind of the lawyer need know, but rather to teach the fundamental and important phases of Commercial Law which the ordinary business man should know in his usual daily transactions. It should never be hoped to be used so as to dispense with the lawyer even as to simple cases, but should merely be a part of the liberal education of a man intending to devote his life to business. With this in mind, the authors could hardly be accused of being too ambitious in hoping "that this treatment of these complex subjects may commend itself to teachers of law, and to the legal profession, as an attempt to bring the elements of this intractable material into a form not wholly incomprehensible under competent instruction ———".

The authors confine their treatment almost wholly to the six great branches of Commercial Law: Contracts (which they treat at great length, and wisely so) Sales, Agency, Negotiable Instruments, Partnerships and Corporations. Needless to say, by confining themselves

more or less strictly to these subjects, they omitted any but the briefest mention of other very interesting and highly important branches of Commercial Law. For instance, the whole field of Bailments, Carriers and Insurance is practically untouched. Neither are Torts, Bankruptcy, Real Property, Suretyship and Guaranty given the importance which they occupy in everyday commercial transactions. There are also many equitable doctrines about which a business man should know something at least, as the doctrine of Trade Marks, Unfair Competition, Gifts, Trusts and Mortgages. And it would seem better to give a brief statement of these subjects and omit a few minor discussions of the larger subjects.

The authors anticipated this criticism by saying: "In teaching, it has become apparent that far better results are reached by confining the instruction to these particular subjects with a few additional lectures by the Instructor upon Insurance, Torts, Bankruptcy, Carriers and Real Property. Students who have attempted to study subjects in addition to the six included in this Text are almost invariably found to have so broad a knowledge that it has no depth". But, bearing in mind that the object of a course in Commercial Law is not to train lawyers but merely to teach business men the fundamentals of their daily transactions, the argument of the authors loses much of its force. And it would seem better to omit some of the "depth", which must inevitably lead to impractical technicalities, and insert a broad grasp of all the fundamental, important and practical principles of law as applied to commercial transactions.

However, in spite of these omissions, the work should highly commend itself to the teaching profession. If nothing else, its accurate statement of legal principles and its comprehensive treatment of the great subjects of Commercial Law will insure its success as valuable classroom material for students. The plan of the treatment, however, is such that none but competent instruction could make use of it to advantage. The fact that the greater part of the two volumes is composed of cases requires that the Instructor be well learned in the subjects and capable of clarifying and expounding many difficult legal principles. In the hands of an Instructor not well qualified, the result would probably be disastrous; but if used by those who know and can explain the law, the work would be invaluable.

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